

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**DWIGHT RUSSELL, JOHNNIE
PIERSON, JOSEPH ORTUNO,
et al.**

Plaintiffs,

v.

**HARRIS COUNTY, TEXAS, et
al.**

Defendants.

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Case No: 4:19-CV-00226

**DEFENDANT SHERIFF ED GONZALEZ'S
AMENDED RULE 26(a)(1) DISCLOSURES**

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Defendant Sheriff Ed Gonzalez files the following amended disclosures. These Disclosures are made based upon the information currently and reasonably available to the Sheriff, and the Sheriff reserves the right to supplement these Disclosures as the circumstances may warrant.

By making the following disclosures, the Sheriff does not represent that he is identifying every document, tangible thing, or witness possibly relevant to this lawsuit. Relatedly, Harris County has produced at least 817,521 pages of bates labeled documents have been produced. The Sheriff does not waive his right to object to production of documents or things set herein on the basis of privilege, the work product doctrine, relevancy, hearsay, confidentiality, or any other objection under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, or the Local Rules of the U.S. District Court for the Southern District of Texas. Sheriff Gonzalez reserves the right to supplement these disclosures.

- I. Individuals likely to have discoverable information that the disclosing parties may use to support their claims or defenses unless the use would be solely for impeachment. Sheriff Gonzalez reserves the right to supplement the list that**

follows as additional information becomes available through the course of discovery and before trial: (FED. R. CIV. P. 26 (a)(1)(A)(i)):

- 1) Each of the named Plaintiffs, who may be contacted through Plaintiffs' counsel, has information regarding their experiences in the Harris County jail: Dwight Russell, Johnnie Pierson, Joseph Ortuno, Christopher Clack, Maurice Wilson.
- 2) The following Defendants and Interested Nonparties whose addresses and telephone numbers are known to them, may have discoverable information related to the policies and practices of making bail and other pretrial monitoring decisions related to arrestees in Harris County, including but not limited to pretrial detention and monitoring practices, and the factors considered for such:

Harris County, Tex.	Defendant
Sheriff Ed Gonzalez	Defendant
Hazel B. Jones (174th)	Nonparty
Nikita V. Harmon (176th)	Nonparty
Robert Johnson (177th)	Nonparty
Kelli Johnson (178th)	Nonparty
Randy Roll (179th)	Nonparty
DaSean Jones (180th)	Nonparty
Danilo Lacayo (182nd)	Nonparty
Chuck Silverman (183rd)	Nonparty
Abigail Anastasio (184th)	Nonparty
Jason Luong (185th)	Nonparty
Greg Glass (208th)	Nonparty
Brian E. Warren (209th)	Nonparty
Frank Aguilar (228th)	Nonparty
Chris Morton (230th)	Nonparty
Josh Hill (232nd)	Nonparty
Hilary Unger (248th)	Nonparty
Lori Chambers Gray (262nd)	Nonparty
Amy Martin (263rd)	Nonparty
(Judge Ritchie has recently died)	
Ramona Franklin (338th)	Nonparty
Jesse McClure, III (339th)	Nonparty

George Powell (351st)	Nonparty
Brock Thomas (RIC)	Nonparty
Natalia Cornelio	Nonparty
Ana Martinez	Nonparty
Colleen Gaido	Nonparty
Te'iva Bell	Nonparty
Virginia Ryan	Nonparty

- 3) The State Intervenor, whose addresses and telephone numbers are known to them, may have discoverable information related to the laws and policies of the State of Texas as they relate to pretrial release and detention.
- 4) All current and previous Harris County Criminal Law Hearing Officers who make or have previously made probable cause determinations and considered conditions of release and monitoring for arrestees.
- 5) All Sheriff's Office employees, including especially those who staff the inmate processing center and supervise the probable cause hearings.
- 6) All District Attorney's Office employees, including especially the attorneys who staff the intake line and the probable cause and bail hearings.
- 7) All Public Defender's Office employees and all private defense attorneys who defend arrestees in court-appointed and non-court appointed cases.
- 8) All people arrested for felony offenses who proceeded through any or all of the Harris County post-arrest process.
- 9) All commercial bonding agents who post secured financial conditions of release on behalf of people arrested for felony offenses in Harris County.
- 10) All defense attorneys and prosecutors who work in the Harris County Criminal District Courts.
- 11) All Sheriff's Office employees and Bailiffs who staff the Harris County Jail and the "holdover" cells in Harris County Criminal District Courts.
- 12) All employees of the District Clerk's office or of individual District Judges who manage, coordinate, or are aware of the Judges' felony dockets and scheduling.
- 13) All Harris County Commissioners who have served from 2015 to the present.

- 14) All Harris County employees of the budget office, and of each individual District Court, who manage the Harris County budget and who are familiar with the expenses and budget of the District Courts individually and collectively, the Harris County Jail.
- 15) All employees of the Office of Court Administration who provide staffing, support and funding for District Courts as well as standards for indigent defense.
- 16) The Sheriff's expert witnesses for attorney's fees: Murray Fogler. Mr. Fogler will not produce a report.
- 17) The Sheriff also identifies the following as fact witnesses who may be hybrid experts, non-retained who will not produce a report, regarding the functioning of the jail:
 - a. Ed Gonzalez
Harris County Sheriff
Sheriff Gonzalez will testify regarding all aspects of the operation of the Harris County Jail.
 - b. Virginia Ryan
In-Custody Population Manager
Harris County Sheriff's Office
Executive Command Bureau
Mrs. Ryan will testify regarding the data she utilizes to assess and analyze the jail population.
 - c. Patrick Dougherty
Major
Justice Management Bureau
Harris County Sheriff's Office
Major Dougherty is the Major over Central Records thus will testify regarding the bail bond process for the Harris County Jail.
 - d. Shannon Herklotz
Assistant Chief of Detentions
Criminal Justice Command
Harris County Sheriff's Office
Chief Herklotz will testify regarding all aspects of operations and compliance standards for the Harris County Jail as well as has extensive knowledge regarding minimum jail standards.
 - e. Naomi Mack Lockett, MD, CCHP
Medical Director, Correctional Health Services
Harris Health System
Dr. Lockett will testify regarding overseeing medical services for the inmates in the Harris County Jail.

- f. Sean McElroy, M.Ed., LPC-S
Director for Adult Forensic Services
The Harris Center for Mental Health and IDD
Dr. McElroy will testify regarding overseeing the mental and behavioral health of the inmates in the Harris County Jail.

18) The Sheriff Reserves the right to use the testimony of other witnesses, including experts disclosed by Plaintiffs and other defendants, and for whose identity may be subsequently learned through discovery or other means.

II. Description of documents, electronically stored information, and tangible things that the disclosing parties may use to support their claims or defenses (FED. R. CIV. P. 26 (a)(1)(A)(ii)):

Pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(ii), the Sheriff identifies the following categories of documents, electronically stored information, tangible things that Harris County has produced, as well as the Sheriff, in their possession, custody, or control and may use to support its claims or defenses.

- 1) Documents concerning the identity, name, date of birth, and address of each of the named Plaintiffs.
- 2) Signed declarations from the named Plaintiffs.
- 3) Documents concerning the Plaintiffs' finances.
- 4) Video evidence produced by Harris County in discovery or otherwise, relating to, among other things, magistration.
- 5) Certain Pretrial Services reports on individual arrestees produced by Harris County in discovery.
- 6) Certain Harris County statistical reports.
- 7) Certain reports and articles relating to the Harris County bail system or money bail systems, generally.
- 8) Online court records for felony arrestees.
- 9) Court Directives produced in O'Donnell litigation.
- 10) Certain Harris County spreadsheets regarding detained population.

The above list is not intended to be exhaustive. The Sheriff's investigation continues. By making these disclosures, Sheriff Gonzalez reserves all rights to object to the admissibility and relevance of such documents and evidence, and he makes these disclosures subject to and without waiver of attorney-client privilege, work product protection, or any other applicable protections.

III. Computation of each category of damages claimed by disclosing party (FED. R. CIV. P. 26 (a)(1)(A)(iii)):

Not applicable.

IV. Any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment or to indemnify or reimburse for payments made to satisfy the judgment (FED. R. CIV. P. 26 (a)(1)(A)(iv)):

Not applicable.

Date: December 9, 2022

Respectfully submitted,

MURRAY FOGLER

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ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

I certify that, on December 9, 2022, pursuant to Federal Rules of Civil Procedure, a true copy of the instrument to which this certificate is attached was filed with the clerk of the court using CM/ECF system, which will send electronic notification for those listed of record who receive electronically filed documents.

/s/ Suzanne Bradley
Suzanne Bradley
Senior Assistant County Attorney